

RESOLUTION NO. ____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
RECOMMENDING CITY COUNCIL APPROVAL OF ZONING CODE TEXT
AMENDMENTS TO CITY CODE CHAPTER 20-31, AND SECTIONS, 20-36.040, 20-50.020,
20-70.020, AND ADDING CHAPTER 20-33, PERTAINING TO HOUSING, CONSISTENT
WITH STATE LAW

WHEREAS, the City of Santa Rosa faces a significant shortage of housing, particularly that available for moderate- and lower-income families; and

WHEREAS, in October 2016, the City Council of the City of Santa Rosa accepted the Housing Action Plan, and its constituent programs to address how Santa Rosa can increase production, achieving a goal of “housing for all”; and

WHEREAS, the City Council has supported “housing for all” as one of the City’s key goals; and more specifically, the Council has articulated its commitment to pursue housing options for residents of all income levels, and to partner with key stakeholders to offer housing and support services to the unsheltered, and address the issues and causes of homelessness; and

WHEREAS, on January 15, 2019, the City amended its Density Bonus Ordinance to increase allowable density bonuses to 35 percent, consistent with State law; and

WHEREAS, on January 15, 2019, the City developed and approved a Supplemental Density Bonus Ordinance which allows densities greater than those allowed under State Law, including densities up to 100 percent, to create greater opportunity for applicants to develop more affordable housing units; and

WHEREAS, on January 14, 2020, the City Council reviewed and adopted a Housing Legislation Ordinance Package addressing how local governments process housing development entitlements; and

WHEREAS, on March 2, 2020, the Council adopted an Urgency Ordinance to amend the Zoning Code to update the provisions related to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units, in compliance with State law; and

WHEREAS, on December 22, 2021, the City received a letter from the State Housing and Community Development Department identifying inconsistencies between the City’s Density Bonus Ordinance and State Law; and

WHEREAS, on January 24, 2023, the City approved submittal of an application for a ProHousing Designation to the State, highlighting the City’s accomplishments related to streamlining review of housing and removing obstacles to its development; and

WHEREAS, on February 14, 2023, the City Council adopted an update to the Housing Element (2023-2031), which was certified by the State Housing and Community Development Department on April 7, 2023; and

WHEREAS, on March 14, 2023, the Council approved changes to the City's ADU Ordinance as an Urgency Ordinance, so that portion of the 2022 package of new State Housing laws has been adopted, and became effective immediately; and

WHEREAS, in September, 2022, the Governor of California signed State legislation related to housing regulations, specifically AB 2097, AB 2244, AB 682, AB 2334, AB 2011, SB 6, and AB 2295, that all require amendments to the Zoning Code (hereinafter "2022 housing legislation package"); and

WHEREAS, the 2022 housing legislation package includes AB 2011 and SB 6, designed to create much needed new housing for low- and middle-income Californians by allowing housing to be built in underutilized commercial sites currently zoned for retail, office and parking uses; these bills aim to streamline the regulatory process and ensure that workers building homes are being paid a fair wage, and that housing is built near existing transit or near corridors for new transit; and

WHEREAS, the 2022 housing legislation package includes AB 2295, which allows residential development projects on land owned by educational agencies that meet specified criteria; and

WHEREAS, additional components of this package include AB 2097, which prohibits a public agency from imposing minimum automobile parking requirements on residential, commercial, or other development located within half mile of a major transit stop; and AB 2244, which clarifies that local agencies are required to allow the reduction of up to 50 percent of the required number of parking spaces for newly constructed religious affiliated housing, or 50 percent of the available parking spaces for an existing religious facility that proposes the construction of religious institution affiliated housing; and

WHEREAS, the 2022 legislative package includes refinements to density bonus law required by AB 682, which clarifies that the density bonus law also applies to shared housing projects, such as cohousing developments, and that it prohibits requiring any minimum unit size or bedroom requirements; and AB 2334 which extends the provisions of an additional height of three stories, or 33 feet, over existing height limitations, and not being subject to maximum density controls, to 100 percent affordable projects located within very low vehicle travel areas; and

WHEREAS, these housing laws have been enacted through statewide mandate to increase housing supply, and therefore apply to all jurisdictions, requiring jurisdictions to amend their local zoning codes to be consistent with State Law; and

WHEREAS, the City of Santa Rosa has a responsibility to update its Zoning Code on a regular basis to maintain consistency with State housing law; and

WHEREAS, the City includes text amendments that address inconsistencies in its existing Density Bonus Ordinance, in response to comments received from the State Housing and Community Development Department; and

WHEREAS, the City has amended the Supplemental Density Bonus Ordinance to remove the sunset date of January 15, 2024, to continue to provide applicants with additional flexibility provided by the Supplemental Density Bonus Ordinance on an ongoing basis, and to create the opportunity for increased development of affordable housing units in the City; and

WHEREAS, the proposed amendments are consistent with the City of Santa Rosa 2035 General Plan and General Plan Final Environmental Impact Report, adopted through Resolution No. 27509 (SCH No. 2008092114); the City of Santa Rosa Downtown Station Area Plan and Specific Plan Final Environmental Impact Report, adopted through Resolution No. 26949 (SCH No. 2006072104) and Final Subsequent EIR adopted through Resolution No. CC-RES-2020-158 (SCH No. 2006072104); and the North Station Area Specific Plan and Specific Plan EIR adopted through Resolution No. 28187 (SCH No. 2011122034) (collectively, the “Final EIRs”). Pursuant to Section 15168 of the State CEQA Guidelines, the City of Santa Rosa has determined that the proposed amendments are within the scope of the earlier approved plans and the Final EIRs adequately describe and analyze the project for purposes of CEQA. The proposed amendments do not result in new significant effects beyond those analyzed in the Final EIRs. The City further determines the proposed action is exempt from CEQA review pursuant to: CEQA Guidelines section 15268 in that the proposed amendments are necessary to conform to and implement the ministerial approval processes mandated by state law (e.g., Gov. Code sections 65912.110, 65914.7, 65863.2; Pub. Res. Code sections 21080.25(b)(9)); CEQA Guidelines section 15183 in that the amendments are consistent with the City’s General Plan and Specific Plans for which the Final EIRs were certified by the City Council and there are no project specific impacts that were not previously analyzed in the Final EIRs; 15182 in that the amendments are consistent with the City’s Downtown Station Area Specific Plan and North Station Area Specific Plan, for which EIRs were certified by the City Council; 15162 in that the proposed amendments are within the scope of the Final EIRs and are consistent with the Negative Declaration adopted for the Density Bonus Ordinance through Resolution No. RES-2019-002; and CEQA Guidelines section 15061(b)(3) in that there is no possibility the activity will have a significant effect on the environment; and

WHEREAS, on May 11, 2022, the Planning Commission held a duly noticed public hearing on the Zoning Code text amendments and voted to recommend that the City Council adopt an Ordinance to amend City Code, Title 20, to incorporate the changes to State Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that based on the evidence presented and the records and files herein, and pursuant to City Code Section 20-64-050 (Findings), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed amendment is consistent with the goals and policies of the Santa Rosa General Plan 2035, and all applicable Specific Plans, in that the amendment furthers

existing policies related to creating more housing close to transit and services, and the changes are required for state law consistency.

- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments will increase housing opportunities and streamline the approval process to allow construction of residential development on commercially zoned properties, thereby creating opportunities to more effectively utilize existing strip commercial and mall areas. The amendment supports the public interest by creating more opportunities for affordable housing in areas that are well served by transit and services.
- C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code, in that it makes changes to the Code that support the City's development model of focusing development downtown, close to the Downtown Station and North Station SMART (rail) stations, and within and close to commercial corridor nodes that extend out from the downtown along key transit routes.
- D. The proposed amendments are consistent with the City of Santa Rosa 2035 General Plan and General Plan Final Environmental Impact Report, adopted through Resolution No. 27509 (SCH No. 2008092114); the City of Santa Rosa Downtown Station Area Plan and Specific Plan Final Environmental Impact Report, adopted through Resolution No. 26949 (SCH No. 2006072104) and Final Subsequent EIR adopted through Resolution No. CC-RES-2020-158 (SCH No. 2006072104); and the North Station Area Specific Plan and Specific Plan EIR adopted through Resolution No. 28187 (SCH No. 2011122034) (collectively, the "Final EIRs"). Pursuant to Section 15168 of the State CEQA Guidelines, the City of Santa Rosa has determined that the proposed amendments are within the scope of the earlier approved plans and the Final EIRs adequately describe and analyze the project for purposes of CEQA. The proposed amendments do not result in new significant effects beyond those analyzed in the Final EIRs. The City further determines the proposed action is exempt from CEQA review pursuant to: CEQA Guidelines section 15268 in that the proposed amendments are necessary to conform to and implement the ministerial approval processes mandated by state law (e.g., Gov. Code sections 65912.110, 65914.7, 65863.2; Pub. Res. Code sections 21080.25(b)(9)); CEQA Guidelines section 15183 in that the amendments are consistent with the City's General Plan and Specific Plans for which the Final EIRs were certified by the City Council and there are no project specific impacts that were not previously analyzed in the Final EIRs; 15182 in that the amendments are consistent with the City's Downtown Station Area Specific Plan and North Station Area Specific Plan, for which EIRs were certified by the City Council; 15162 in that the proposed amendments are within the scope of the Final EIRs and are consistent with the Negative Declaration adopted for the Density Bonus Ordinance through Resolution No. RES-2019-002; and CEQA Guidelines section 15061(b)(3) in that there is no possibility the activity will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa recommends that the City Council adopt Zoning Code text amendments to Title 20 of the Santa Rosa City Code, as set forth in Exhibit A and incorporated herein, to revise and add new policies for clarity and consistency with State Law

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 11th day of May, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY

Exhibit A – Proposed Zoning Code Text Amendments